



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: Kelly/McQuarrie Deck Expansion

Proposal Address: 604 177th Lane NE

Proposal Description: This is an application for land use approval of a Critical Areas Land Use Permit to add 194 sq. ft. to an existing second story deck. The deck expansion will encroach approximately 194 sq. ft. into the steep slope critical area and the required 50 ft. top of slope buffer. The application also includes a mitigation plan.

File Number: 18-122263-LO

Applicant: **Bozurka Pejic-Morrison**

Decision Included: Critical Areas Land Use Permit
(Process II. LUC 20.30P)

Planner: Kimo Burden, Assistant Planner

**State Environmental Policy Act
Threshold Determination:** **Exempt**

Director's Decision: **Approval with Conditions**

Mike Brennan, Director
Development Services Department

By: 
Elizabeth Stead, Land Use Director

Application Date:	<u>August 22, 2018</u>
Notice of Application Publication Date:	<u>September 13, 2018</u>
Decision Publication Date:	<u>November 1, 2018</u>
Project/SEPA Appeal Deadline:	<u>November 15, 2018</u>

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

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Attachments:

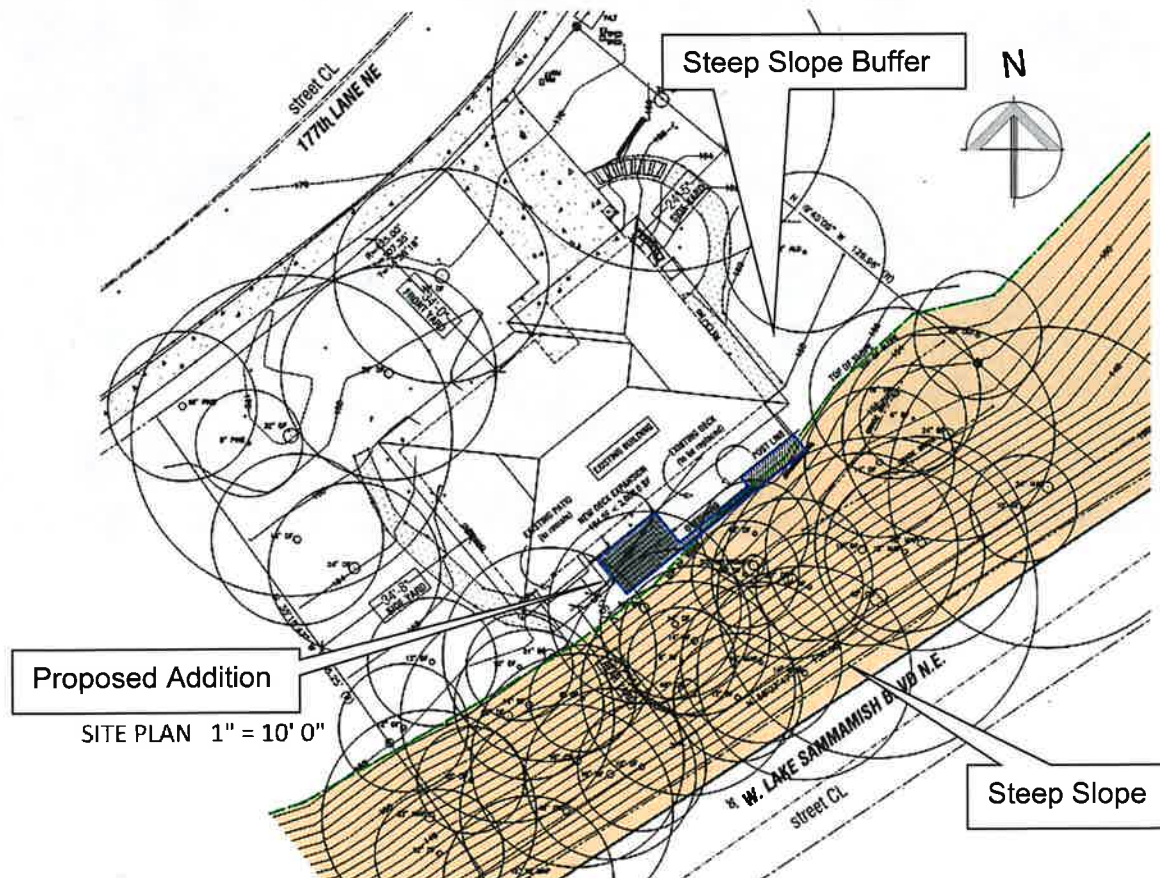
1. Project Plans – Enclosed
2. Environmental and Geotechnical Support Materials - In File

I. Proposal Description

The proposal is to construct a 194 sq. ft. addition to an existing second story deck along the south side of the existing single-family residence. The deck expansion will encroach approximately 35 sq. ft. into the critical area steep slope and approximately 159 sq. ft. into the top-of-slope buffer. Due to the extent and location of the regulated critical area on-site, the property owner has requested modifications to the 50-foot top-of-slope buffer and a modification to the critical area steep slope, required in Land Use Code section 20.25H. Modifications to the steep slope buffer may be considered through a Critical Areas Land Use Permit and Critical Areas Report consistent with LUC 20.25H.230.

To mitigate impacts, the applicant is proposing approximately 364 sq. ft. of mitigation plantings within the top-of-slope. Mitigation plants include a variety of densely planted native shrubs, and ground cover to improve the site's conditions and provide a net increase in ecological function over existing conditions. A Critical Areas Land Use Permit with a Critical Areas Report is required when a project proposes to modify the prescriptive code standards. This permit establishes conditions and performance standards designed to avoid and minimize impact to the site's sensitive features which must be met in order to obtain subsequent permits for construction of the single-family addition on the property.

Figure 1 – Project Proposal and LUC Modifications



II. Site Description, Zoning, Land Use, and Critical Areas

The project site is located at 604 177th Lane NE. The lot is bounded by 177th Lane NE and West Lake Sammamish Parkway NE. Additionally, the site is approximately 13,650 sq. ft. in size and contains a single-family residence constructed in 1975.

The topography of the site is relatively flat where the existing home is located, but quickly descends southeast at an approximate 66-100 percent grade with approximately 26 feet of elevation change. The vegetation around the house is comprised of lawn and ornamental landscaping. The steep slope contains native ground cover, shrubs, Douglas Fir, Maple and Cottonwood trees.

The underlying zoning of the property is R-2.5, and the Comprehensive Plan Land Use Designation is Single-Family Residential Medium Density (SF-M).

Figure 2 – Aerial Photograph

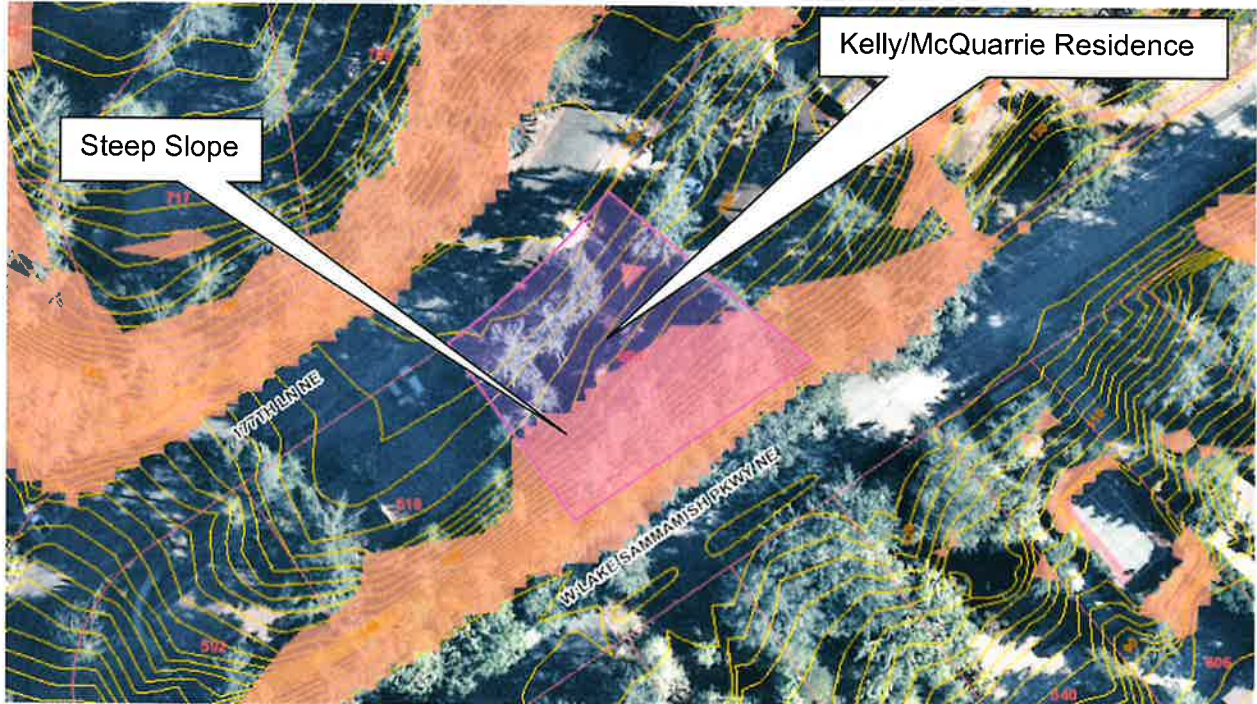
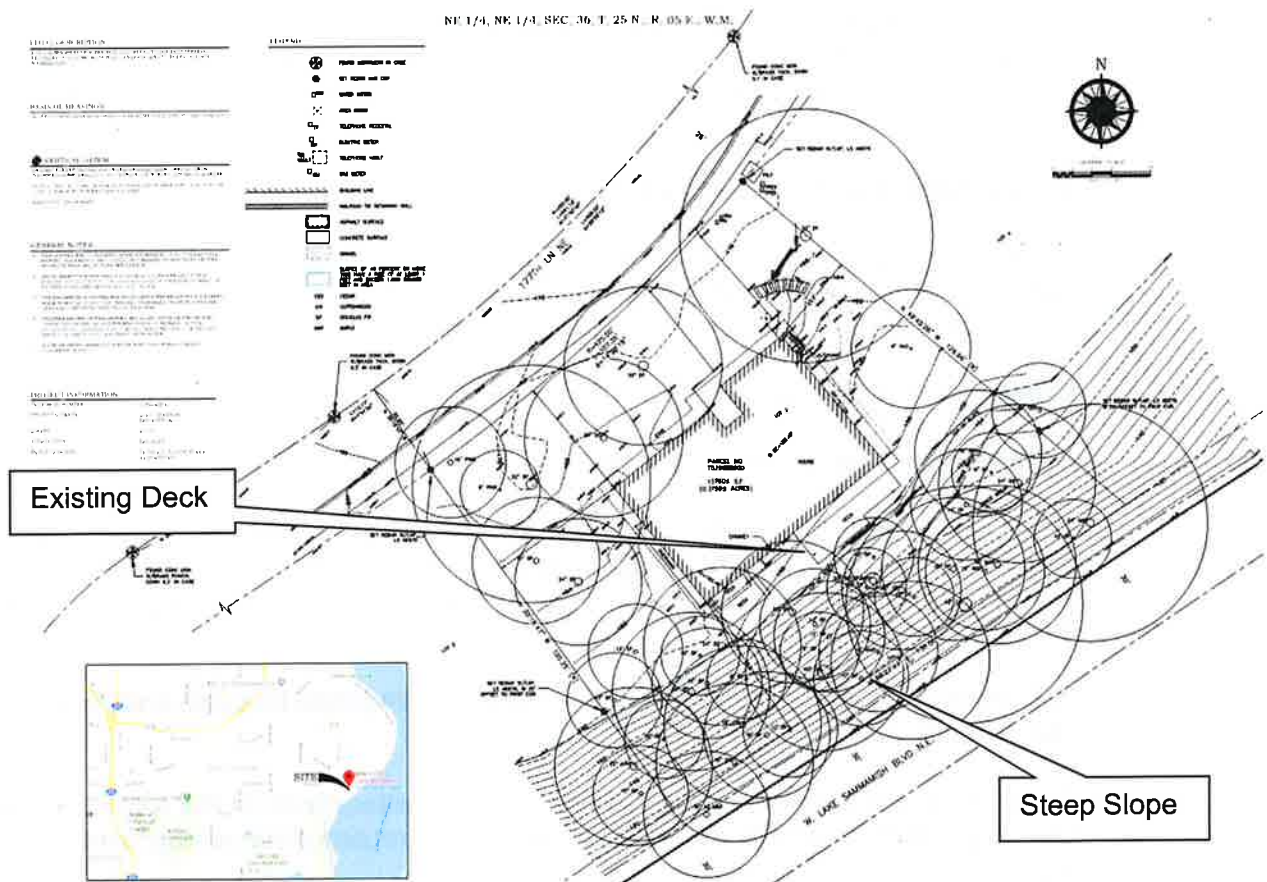


Figure 3 – Site Survey



III. Site Context

A. Critical Areas:

Geologic Hazard Areas: LUC 20.25H.120.A.2 defines steep slope areas as those areas that contain slopes greater than 40%, have a rise of at least 10 feet, and exceed 1,000 sq. ft. in area. The applicant has submitted a topographical site survey and site map identifying a portion of the property meets the abovementioned criteria and is therefore regulated as a critical area. Additionally, under LUC 20.25H.120.B.1, regulated steep slopes are protected by a 50-foot top of slope buffer and a 75-foot toe of slope structure setback. The applicant has worked with a licensed surveyor to identify the steep slope areas on the project site plans and has labeled the associated buffers and setbacks.

Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue's remaining large blocks of forest are located in steep slope

areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provide a water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values and buffering urban development.

IV. State Environmental Policy Act (SEPA):

The proposal is exempt from SEPA review, per WAC 197-11-800 and BCC 22.02.032. Construction of a single-family residence is a categorical exemption even when located in a critical area.

V. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The property is within the R-2.5 Zoning District. Based on the materials submitted, the proposal is consistent with the underlying zoning district and consistent with the dimensional requirements in LUC 20.20.010 including, structure setbacks, lot coverage, and impervious surface.

B. Consistency with performance standards for landslide hazards and steep slopes – LUC 20.25H.125

1. Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography;

Finding: The new deck posts and footings for the deck expansion will be placed along the same line and distance from the edge of the slope as the existing footings. No alterations to the natural contour of the slope will occur. See Conditions of Approval in Section X of this report.

2. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;

Finding: The proposed deck expansion will be located as depicted in the site plan approved under this Critical Areas Land Use Permit. There will be no ground work within the steep slope critical area associated with the deck expansion. The new deck post and footings will be located at the same line and distance as the existing post and footings. The existing deck is elevated at the second story and the proposed deck expansion will be constructed along the same elevation as the existing deck. The deck expansion will create approximately 35 sq. ft. of new structure coverage within the steep slope critical area and approximately 159 sq. ft. of structure coverage within the top of slope buffer area. To alleviate the new structure coverage approximately 364 sq. ft. of mitigation and buffer enhancement will occur along the southeast side of the home within the steep slope buffer and steep slope critical area. See Conditions of Approval in Section X of this report.

3. The proposed development shall not result in greater risk or a need for increased

buffers on neighboring properties;

Finding: Based on the findings within the geotechnical report, the proposed deck expansion will not increase the potential for slope failure on the adjacent properties if the geotechnical recommendations are incorporated in the development. See Conditions of Approval in Section X of this report.

4. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes where graded slopes would result in increased disturbance as compared to use of retaining wall;

Finding: The site currently contains two existing wooden railroad retaining walls at the top-of-slope. The existing retaining walls will remain, and the proposed deck expansion will not require additional retaining walls or grading of slopes. See Conditions of Approval in Section X of this report.

5. Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;

Finding: The area below the proposed scope of work consist of hard compacted soil that is actively used as a walkway for access through the rear yard. Additionally, due to the minimum scope of work within the critical area steep slope and critical area steep slope buffer, along with current site condition, there will be no additional impacts created by the new elevated structure coverage. See Conditions of Approval in Section X of this report.

6. Where change in grade outside the building footprint is necessary, the site retention system should be stepped and regrading should be designed to minimize topographic modification. On slopes in excess of 40 percent, grading for yard area may be disallowed where inconsistent with this criteria;

Finding: No changes in grade outside the allowed developable area are proposed. See Conditions of Approval in Section X of this report.

7. Building foundation walls shall be utilized as retaining walls rather than rockeries or retaining structures built separately and away from the building wherever feasible. Freestanding retaining devices are only permitted when they cannot be designed as structural elements of the building foundation;

Finding: No freestanding retaining wall are proposed.

8. On slopes in excess of 40 percent, use of pole-type construction which conforms to the existing topography is required where feasible. If pole-type construction is not technically feasible, the structure must be tiered to conform to the existing topography and to minimize topographic modification;

Finding: No ground disturbing construction will occur within the steep slope critical area. See Conditions of Approval in Section X of this report.

9. On slopes in excess of 40 percent, piled deck support structures are required

where technically feasible for parking or garages over fill-based construction types; and

Finding: Thirty-five sq. ft. of elevated deck will extend over the steep slope critical area. However, there will be no ground disturbance within the steep slope critical area and the new posts and footings will be located at the same line and distance from the steep slope critical area as the existing posts and footings. See Conditions of Approval in Section X of this report.

10. Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.25H.210.

Finding: All areas of temporary disturbance and permanent disturbance will be restored and mitigated pursuant to the approved restoration and mitigation plan. See Conditions of Approval in Section X of this report.

VI. Summary of Technical Reviews

Clearing and Grading:

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development and concurred with the findings within the Geotechnical Report.

VII. Public Notice and Comment

Application Date:	August 22, 2018
Public Notice (500 feet):	September 13, 2018
Minimum Comment Period:	September 27, 2018

The project was publicly noticed in the City's Weekly Permit Bulletin and Seattle Times on September 13, 2018 with notice mailed to property owners within 500 feet of the project site. No public comments were received and there are no parties of record besides the applicant.

VIII. Decision Criteria

The proposal, as conditioned below, meets the applicable regulations and decision criteria for a Critical Areas Land Use Permit pursuant to LUC Section 20.30P.

Critical Areas Land Use Permit Decision Criteria 20.30P

1. The proposal obtains all other permits required by the Land Use Code;

Finding: The applicant must obtain a Single-Family Building Permit before beginning any work. See Conditions of Approval in Section X of this report.

2. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;

Finding: The proposed construction will follow the design guidelines and requirements identified in the project geotechnical report. See Conditions of Approval in Section X of this report.

3. The proposal incorporates the performance standards of LUC 20.25H to the maximum extent applicable, and;

Finding: As discussed in Section V of this report, the proposal meets, or as conditioned will meet, the performance standards of LUC 20.25H.125. See Section X of this report for a list of conditions associated with the required performance standards.

4. The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;

Finding: The proposed deck expansion is consistent with surrounding land uses and are adequately served by public facilities. All necessary services and ancillary utilities are currently available on-site.

5. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC 20.25H.210; and

Finding: The applicant has prepared a mitigation and restoration plan to install a variety of native shrubs and groundcover within the steep slope critical area and top of slope buffer. The water quality and stormwater storage functions on the site will likely increase as a result of dense native plantings that will slow water flow and increase sediment capture and soil stabilization in the steep slope and steep slope buffer. See Conditions of Approval in Section X of this report regarding the required restoration plan.

6. The proposal complies with other applicable requirements of this code.

Finding: As discussed in Section V & VI of this report, the proposal complies with all other applicable requirements of the Land Use Code. The proposed development must also comply with the standards of LUC 20.20.010 for the R-2.5 zoning district. See Conditions of Approval in Section X of this report.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of Development Services does hereby **approve with conditions** this application for a Critical Areas Land Use Permit to expand an existing second story deck by 194 sq. ft. The deck expansion will be constructed along the south side of the existing single-family residence and will encroach approximately 35 sq. ft. into the critical area steep slope and approximately 159 sq. ft. into the top-of-slope buffer.

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit for the proposed development automatically expires and is void if the applicant fails to file for a Building Permit or other necessary development permits within one year of the effective date of the approval.

X. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

Applicable Codes or Ordinances	Contact Person
Clearing and Grading Code – BCC 23.76	Janney Gwo, 425-452-6190
Land Use Code – LUC 20.25H	Kimo Burden, 425-452-5242
Noise Control – BCC 9.18	Kimo Burden, 425-452-5242
Construction Code – BCC 23	Building Division, 425-452-4121

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

- 1. Building Permit Required:** Prior to the commencement of any development activity on this site, the applicant shall submit a single-family building permit application and shall include with the application a copy of the proposed mitigation, restoration, maintenance, and monitoring plan. The proposed development must comply with the requirements of LUC 20.20.010.

Authority: Land Use Code 20.30P.140
Reviewer: Kimo Burden, Development Services Department

- 2. Land Use Inspection Required:** Inspection of the mitigation planting shall be completed by the Land Use Planner as part of the building permit inspection process. A Land Use inspection will be added to the building permit.

Authority: Land Use Code 20.25H.210
Reviewer: Kimo Burden, Development Services Department

- 3. Restoration for Temporary Disturbance Outside of Allowed Impact Area:** All temporary impacts outside of the allowed impact area must be identified on the approved site plans and shall only be allowed when no feasible alternative exists. All areas of temporary disturbance shall be photo documented before disturbance occurs and shall be restored to the original condition subject to the approved mitigation, restoration, maintenance and monitoring plan. All restored areas of temporary disturbance are subject to five years of maintenance and monitoring.

Authority: Land Use Code 20.25H.220.H
Reviewer: Kimo Burden, Development Services Department

- 4. Rainy Season Restrictions:** Due to the proximity to a steep slope, no clearing and grading activity may occur during the rainy season, which is defined as November 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A

Reviewer: Janney Gwo, Development Services Department, Clearing and Grading Division

- 5. Clearing Limits and Temporary Erosion and Sedimentation Control:** Prior to the initiation of any clearing or grading activities, clearing limits and the location of all temporary erosion and sedimentation control measure shall be field staked for approval by the on-site clearing and grading inspector.

Authority: Bellevue City Code 23.76.060 and 23.76.090

Reviewer: Janney Gwo, Development Services Department, Clearing & Grading Section

- 6. Hold Harmless Agreement:** Prior to building permit or clearing and grading permit approval, the property owner or his/her agent shall submit a hold harmless agreement releasing the City of Bellevue from any and all liability associated with the installation of slope stabilization measures. The agreement must meet city requirements and must be reviewed by the City Attorney's Office for formal approval.

Authority: Land Use Code 20.30P.170

Reviewer: Kimo Burden, Development Services Department

